

Respectfully submitted,

OF COUNSEL:

VINCE RYAN
HARRIS COUNTY ATTORNEY

/S/ Edward J. Mahar

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ATTORNEY FOR DEFENDANT
HARRIS COUNTY, TEXAS

/S/ Mary E. Baker

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ATTORNEY FOR DEFENDANT
NURSE MARLENE ORTA

CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2009, a true and correct copy of the foregoing **INDEX OF MATTERS FILED UPON REMOVAL** was served via electronic notice and/or certified mail, return receipt requested to:

Randall O. Sorrels
Brant J. Stogner
ABRAHAM, WATKINS, NICHOLS, SORRELS,
AGOSTO & FRIEND
800 Commerce St.
Houston, Texas 77002-1776

/S/ Mary E. Baker
MARY E. BAKER
Assistant County Attorney

P13

NO. 2009-50135

AMALIA CASARZE, INDIVIDUALLY, §
 AND AS REPRESENTATIVE OF §
 THE ESTATE OF MARGARITA §
 SAAVEDRA, JOSE SAAVEDRA, AND §
 CRYSTAL GARCIA §

Plaintiffs, §

vs. §

HARRIS COUNTY, TEXAS, §
 AND NURSE MARLENE ORTA §

Defendants, §

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

113 JUDICIAL DISTRICT

FILED
 CLERK JACKSON
 HARRIS COUNTY, TEXAS

09 AUG -6 AM 10:27

8-6-2009

PLAINTIFFS' ORIGINAL PETITION & REQUESTS FOR DISCLOSURE

Amalia Casarze, Individually, and as Representative of the Estate of Margarita Saavedra, Jose Saavedra, and Crystal Garcia, hereinafter called Plaintiffs, complaining of and about Harris County, Texas and Nurse Marlene Orta, hereinafter called Defendants, and for cause of action would show unto the Court the following:

A. Discovery Control Plan

1.1 Pursuant to Rule 190.4 of the Texas Rules of Civil Procedure, Plaintiffs file this petition under a Level III Discovery Control Plan.

B. Parties

2.1 Plaintiff Amalia Casarze is the daughter of Margarita Saavedra (hereinafter referred to as "Decedent"). Plaintiff Amalia Casarze is a resident of Harris County, Texas and brings this wrongful death and survival action for the loss of her mother.

2.2 Plaintiff Jose Saavedra is Decedent's son. Plaintiff Jose Saavedra is a resident of Jefferson County, Texas and brings this wrongful death action for the loss of his mother.

2.3 Plaintiff Crystal Garcia is Decedent's daughter. Plaintiff Crystal Garcia is a resident of Jefferson County, Texas and brings this wrongful death action for the loss of her mother.

2.4 Defendant Harris County, Texas is a political subdivision of the State of Texas. Harris County is a county organized under the Constitution and laws of the State of Texas, and pursuant to law, is subject to suit and the jurisdiction of this Court. The Defendant Harris County is responsible for the policies, practices, procedures, regulations, and customs of its Sheriff. Harris County is also responsible for the operation, practices, procedures, and totality of conditions of the Harris County Jail facility, and is charged by state law with furnishing a safe and suitable jail. Defendant Harris County, Texas, may be served with process by serving the County Judge of said Harris County, Texas, Ed Emmett, 1001 Preston, Suite 911, Houston, Texas 77002, or by serving its attorney, Vince Ryan, 1019 Congress, 15th Floor, Houston, Texas 77002. Service of said Defendant as described above can be effected by personal delivery.

2.5 Defendant Nurse Marlene Orta is an individual and is a medical provider employed by the Health Services Bureau for the Harris County, Texas Jail located at 1200 Baker Street, Houston, Texas 77002. Service of said Defendant at her place of employment can be effected by personal delivery.

C. Misnomer/alter ego

3.1 In the event any parties are misnamed or are not included herein, it is Plaintiffs'

contention that such was a “misidentification”, “misnomer” and/or such parties are/were “alter egos” of parties named herein.

D. Jurisdiction

4.1 The Court has jurisdiction of the subject matter of this lawsuit and the amount in controversy is within the minimum jurisdictional limits of this Honorable Court.

4.2 The Court has jurisdiction over the parties because Defendants are Texas residents.

E. Venue

5.1 Venue is proper in Harris County, Texas under §15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to the claim made the basis of this lawsuit occurred in Harris County, Texas.

5.2 Venue is also proper in Harris County, Texas under §15.002(a)(2) of the Texas Civil Practice and Remedies Code because Harris County, Texas is the county of the residence of one or more Defendants at the time the cause of action made the basis of this lawsuit accrued.

F. Facts

6.1 At all times material hereto, Decedent, Margarita Saavedra, was in the custody, care, and control of the Harris County Sheriff's Department and the Health Services Bureau of Harris County Jail. Decedent was a pretrial detainee.

6.2 On or about September 12, 2007, Decedent was arrested by agents of the Harris County Sheriff's Department. Decedent was subsequently transported to the Harris County Jail at 1200 Baker Street in Houston, Harris County, Texas 77002. The Defendants' records indicate that,

upon arrival to the Harris County Jail, Decedent informed Defendants of her medical conditions, which included diabetes mellitus. Decedent also informed Defendants of her prior knee reconstruction and medical hardware in her left knee. In early January of 2008, while in the custody, care, and control of Defendants, Decedent experienced significant pain in her left knee. Decedent requested medical attention and to be taken to the hospital. After several days of complaining of pain in her left knee, breathing problems, fevers, nausea, voiding problems, altered mental state, and begging for medical treatment, Decedent died while in the custody, care, and control of Defendants on January 12, 2008. Autopsy records show that Decedent's cause of death was sepsis due to disseminated *Staphylococcus aureus* bacterial infection of the left knee. As the autopsy report confirms, Decedent suffered a slow and agonizing death due to Defendants' deliberate indifference, Constitutional violations, negligence, neglect, gross negligence, and wanton disregard.

6.3 Decedent's records from the pretrial detention indicate that Decedent made many requests for medical attention related to the pain in her left knee and the resulting fevers, nausea, chills, voiding problems, altered mental state, and breathing problems. The records also show that several jailers at the Harris County Jail noticed Decedent's deteriorating health and attempted to get Decedent the necessary medical attention from the Harris County Clinic or from a hospital. However, even the attempts by Harris County jailers to have Decedent treated were ignored, disbelieved, or intentionally disregarded. As the records show, Decedent even told Defendants that she believed there to be an infection in her left knee and that she needed to get medical attention immediately due to her symptoms. Decedent's repeated requests for medical treatment were ignored, as Defendants told Decedent and her cell mates that Decedent was "faking her injuries" and pain. Decedent's

constant cries for medical attention were ignored for days. Further, other inmates expressed Decedent's need for healthcare to Defendants, as did Plaintiffs and Decedent's criminal defense attorney, who wrote a letter on January 9, 2008 regarding the same. In addition, Decedent's family members sought to have Decedent properly treated prior to her death, because Decedent and her cell mates repeatedly called Decedent's family members regarding the lack of treatment and the worsening of Decedent's condition. Further, on January 6, 2008, one of Defendants' own physicians, Dr. Jo Anna Gutierrez, requested a consultation for Decedent by an "ortho" and requested several tests be performed on Decedent due to the knee pain and other symptoms.

6.4 Plaintiffs state that Defendant's acts and omissions were the proximate cause of Decedent's death. Decedent's own conduct did not cause or contribute to her death in any way, and but for the deliberate indifference, negligence, and gross negligence of the Defendants, Decedent would not have died. It was the perpetual and persistent denial and delay of medical treatment and care that caused Decedent's death while in custody.

6.5 Defendants, by and through its deputies, jailers and other persons employed by Harris County; and, certain other unknown and unidentified persons acting as physicians and/or medical providers on behalf of Defendants, exhibited deliberate indifference to Decedent's serious medical needs during her detention. The United States Supreme Court has held that "a governmental entity's duty to provide medical care to inmates is constitutionally mandated." *West v. Atkins*, 487 U.S. 42, 56, 108 S.Ct. 2250, 2259, 101 L.Ed.2d 40 (1988).

6.6 During the time of the Decedent's detention, Defendants, as well as other persons employed by Defendants, were acting under the color of the laws and regulations of the State of

Texas. Defendants had certain policies, and customs in place, or a lack thereof, that enabled it, its agents, and employees to act with deliberate and/or wanton indifference to the constitutional rights of the Decedent. Decedent's death resulted from a wide ranging policy of indifference that Defendants adopted, or of which Defendants were constructively aware. Such indifference was so common and well settled as to constitute a custom that fairly represents the Defendants' policy. Additionally, Defendants did not meet the standard of care for medical providers, which was also a proximate cause of Decedent's untimely death.

G. Survival Claim for Personal Injuries to Decedent

7.1 This claim for damages resulting from the death of Decedent is brought by Amalia Casarze, as Representative of the Estate of Margarita Saavedra ("Decedent"). There are no debts owing to the estate and an administration of the estate is not necessary. This claim is based upon the facts and legal theories more fully set out herein.

7.2 Any person required to be a named Plaintiff in this lawsuit to collect damages under Section 71.021, Texas Civil Practice & Remedies Code, is a named Plaintiff. Plaintiffs bring this survival action pursuant to Texas Civil Practice & Remedies Code, Section 71.021, because of the personal injuries suffered by Decedent, which caused her death, based upon the facts and legal theories more fully set out herein.

7.3 Plaintiff, Amalia Casarze, seeks damages for the conscious pain and suffering and mental anguish that Decedent suffered prior to her death and for the reasonable and necessary medical, funeral and burial expenses and any other remedies pursuant to §71.021, et seq. of the Texas Civil Practices & Remedies Code, also known as the Survival Statute.

H. Wrongful Death

8.1 This claim for damages resulting from the wrongful death of Decedent is brought by Amalia Casarze, Jose Saavedra, and Crystal Garcia, Decedent's children, pursuant to Texas Civil Practice & Remedies Code, 71.001 et. seq. Jose Saavedra, Amalia Casarze, and Crystal Garcia are the sole surviving heirs of Decedent and, thus, are within the class of persons entitled to bring an action for wrongful death pursuant to §71.001, et seq., of the Texas Civil Practices & Remedies Code, also known as the Wrongful Death Statute. This claim is based upon the facts and legal theories more fully set out herein.

8.2 Jose Saavedra, Amalia Casarze, and Crystal Garcia also seek all remedies available under the Wrongful Death Statute.

I. Violation of Constitutional Rights - 42 U.S.C. 1983

9.1 During Decedent's detention, Defendants' deliberately indifferent conduct violated the Decedent's Fourteenth Amendment rights, which are clearly established under the United States Constitution.

9.2 During Decedent's detention, Defendants' deliberately indifferent conduct violated the Decedent's Eighth Amendment rights, which are also clearly established under the United States Constitution.

9.3 Alternatively, because Decedent was never adjudicated "guilty" of the criminal offense for which she was detained, she was entitled to protection from any and all deliberately indifferent

conduct, and/or treatment, from persons employed by Defendants acting under color of state law, by virtue of the Fourteenth Amendment.

9.4 The persons working in the capacity of medical providers, by and through Defendants, exhibited deliberately indifferent conduct by and through Defendants' policies and/or customs. The implementation of Defendants' policies and customs caused the violations of the Decedent's rights, which are guaranteed pursuant to the Eighth and Fourteenth Amendments to the United States Constitution. These persons working as medical providers were acting under the color of state law when they continuously and consistently delayed and denied Decedent's necessary medical care and treatment. Additionally, these persons were acting in accordance with Defendants' policies and customs, by and through their policymakers, when the Decedent's medical treatment and care was delayed and/or denied.

9.5 Defendants were acting under the color of state law when they continuously and consistently delayed and denied the Decedent the necessary medical care and treatment, which resulted in her untimely death. Further, Defendants acted with deliberate indifference, or with reckless disregard for Decedent's aforementioned constitutional rights, by and through their policies, or lack thereof, and customs. Defendants' conduct resulted in the Decedent's prolonged pain, suffering, and eventual death, in violation of the Eighth and Fourteenth Amendments to the United States Constitution.

9.6 Defendants, by and through its policy makers, have certain policies, or lack thereof, and customs, in place that enables, requires, and/or allows its employees, agents, and personnel to oversee the medical needs of those persons that it detains, such as Decedent. As a result of these

policies and customs, the Decedent's constitutional rights, guaranteed to her pursuant to the Eighth and Fourteenth Amendments, and enacted by the same, were violated.

9.7 The persons employed by Defendants were acting under the color of state law when they continuously and consistently delayed and/or denied the Decedent necessary medical care and treatment. Further, these persons, employed by Defendants, acted with deliberate indifference to the Decedent's serious medical needs and her aforementioned constitutional rights; and, said conduct resulted in the Decedent's prolonged pain, suffering, mental anguish, and eventual death.

J. Negligence

10.1 Plaintiffs also allege that Defendants, acting through its employees and agents, violated the duty of care it owed to Decedent. Defendants owed a duty to exercise that degree of care, skill, supervision, and diligence ordinarily possessed and used by other health care providers similarly situated, clinics, nurses, and physicians under the same or similar circumstances.

10.2 Defendants were negligent in the following respects and particulars, among others:

- A. In failing to properly perform the medical treatment necessary to Decedent's welfare according to the standards set by the medical profession;
- B. By failing to recognize and/or acknowledge Decedent's symptoms that resulted from its treatment and/or lack of treatment of Decedent.
- C. By failing to transport Decedent to an outside medical facility, when the Defendants knew, or should have known, that their skills, knowledge or facilities were inadequate to properly treat Decedent, under the circumstances

as they then existed;

- D. By failing to adhere to the acceptable standards of care of patients in the nursing profession by failing to properly observe significant changes in Decedent's condition and alert a physician; by failing to properly assess Decedent's needs and evaluate the medical condition of Decedent; by failing to implement a proper course of nursing care based on the existing condition of Decedent; by failing to document a significant change in Decedent's symptoms on the medical chart; by failing to recognize the lack of efficacy in the treatment that was provided, if any, to Decedent by Defendants; by failing to competently have Decedent treated for her serious and life threatening condition while in Defendants' custody;
- E. By failing to listen to Decedent, her friends, her family, and other Defendants' employees', consistent and repeated calls for medical attention for Decedent;
- F. By failing to treat Decedent because Decedent could not walk to the clinic;
- G. By ignoring Decedent's, and others', repeated oral and written requests for medical attention;
- H. By failing to provide Decedent with her necessary medications while in custody, despite Decedent's multiple requests for same;
- I.. By failing to have Decedent assessed and tested by a specialist, despite Defendants' own records that indicate such referral and testing was recommended and requested by Defendants' own physician or medical care

provider, Jo Anna Gutierrez;

10.3 Defendants owed Decedent the duty to provide such proper care and protection. In the exercise of that duty, Defendants were required to provide such reasonable medical care as Decedent's condition required, or that Defendants should have known was required. Defendants, by and through their agents and employees, breached that duty and such breach proximately caused Decedent's untimely and agonizing death. Defendants were negligent and grossly negligent.

K. Exemplary Damages

11.1 Defendants' acts or omissions described above, when viewed from the standpoint of Defendants' at the time of the acts and omissions, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to Plaintiffs, Decedent, and others. Defendants had actual, subjective awareness of the risk involved in the above described acts and omissions, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of Plaintiffs, Decedent, and others. Accordingly, Plaintiffs request that exemplary damages be assessed against Defendants.

L. Attorney Fees

12.1 It was necessary for Plaintiffs to hire the undersigned attorneys to file this lawsuit. Upon judgment, the Plaintiffs are eligible and entitled to an award of attorney fees and costs under 42 U.S.C. § 1988.

M. Notice & Conditions Precedent

13.1 All notice requirements and conditions precedent have been performed or have

occurred.

N. Request for Disclosure

14.1 Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendants are each requested to disclose, within fifty (50) days of service of this request, the information or material described in Rule 194.2.

O. Prayer

WHEREFORE, Plaintiffs pray that Defendants be duly cited to appear and answer herein, and that upon a final trial of this cause of action, Plaintiffs recover:

- (a) judgment against the Defendants for Plaintiffs' actual damages as set forth above, in an amount within the jurisdictional limits of this Court;
- (b) pre-judgment and post-judgment interest as provided by law;
- (c) costs of court;
- (d) exemplary damages;
- (e) attorney fees;
- (f) such other and further relief to which Plaintiffs may be entitled.

Respectfully submitted,

**ABRAHAM, WATKINS, NICHOLS,
SORRELS, AGOSTO & FRIEND**

By: 

Randall O. Sorrels

Texas Bar Number: 18855350

Brant J. Stogner

Texas Bar Number: 24038389

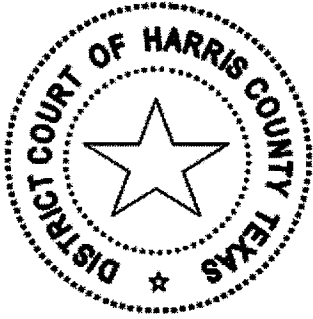
800 Commerce Street

Houston Texas 77002-1776

(713) 222-7211 Telephone

(713) 225-0827 Facsimile

ATTORNEYS FOR PLAINTIFFS



I, Loren Jackson, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date
Witness my official hand and seal of office
this August 25, 2009

Certified Document Number: 42971078 Total Pages: 13

LOREN JACKSON, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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LAW OFFICES

**ABRAHAM, WATKINS, NICHOLS
SORRELS & FRIEND**

NICK C. NICHOLS, P.C.
RANDALL O. SORRELS, P.C.*†
BENNY AGOSTO, JR. *

CLYDE J. "JAY" JACKSON, III *
DANIEL D. HOROWITZ, III *
MUHAMMAD S. AZIZ
JOHNNY N. GARZA, JR.
CHELSIE KING GARZA
BRANT J. STOGNER

FRANK J. BATTAGLIA, M.D., J.D.
MEDICAL DIRECTOR

800 COMMERCE STREET
HOUSTON, TEXAS 77002-1776

(713) 222-7211
FAX (713) 225-0827
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www.abrahamwatkins.com

DALE FRIEND
RETIRED PARTNER

FRANK T. ABRAHAM
(1924 - 2004)

W.W. WATKINS
(1920 - 1987)

* BOARD CERTIFIED: PERSONAL INJURY TRIAL
LAW, TEXAS BOARD OF LEGAL SPECIALIZATION

† BOARD CERTIFIED: CIVIL TRIAL LAW,
TEXAS BOARD OF LEGAL SPECIALIZATION

August 6, 2009

Mr. Loren Jackson
District Clerk
201 Caroline
Houston, Texas 77002

2009-50135
2009-50135

FILED
LOREN JACKSON
DISTRICT CLERK
HARRIS COUNTY, TEXAS
09 AUG -6 AM 10:27
8-6-09

Re: Cause No. _____; Amalia Casaraz, individually, and
representative of the Estate of Margarita Saavedra, Jose Saavedra, and
Crystal Garcia vs. Harris County, Texas and Nurse Marlene Orta; In the
District Court of Harris County, Texas; 113 Judicial District

Dear Mr. Jackson:

Enclosed please find in the above-referenced matter the following:

1. **Plaintiffs' Original Petition & Requests for Disclosure;**
2. **Civil Case Information Sheet; and**
3. **Civil Process Request.**

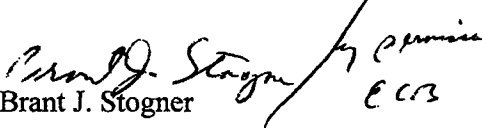
Please issue citations on the Defendants as follows:

**Harris County, Texas
By and through
Ed Emmett
County Judge of Harris County
1001 Preston, Suite 911
Houston, Texas 77002**

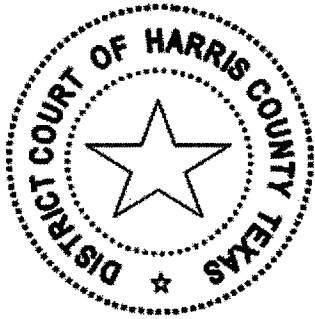
Nurse Marlene Orta
1200 Baker Street
Houston, Texas 77002

Please place the issued citations in our private civil process server Court Record Research's box for service on defendant. We have also enclosed our firm check in the amount of \$274.00 to cover costs of filing fee for Plaintiffs' Original Petition, citation fee, and jury fee. Please process in your usual manner and return a filed stamped copy of these instruments to our courier for our files. Thank you for your assistance in this matter.

Very truly yours,


Brant J. Stogner

BJS:lb
Enclosures (as stated)



I, Loren Jackson, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date
Witness my official hand and seal of office
this August 25, 2009

Certified Document Number: 43000440 Total Pages: 2

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HARRIS COUNTY, TEXAS

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0009-50135

CIVIL PROCESS REQUEST

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING
FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER:

2009-50135

CURRENT COURT:

113

TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types):

FILE DATE OF MOTION:

08-06-2009

Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: Nurse MARLON UETA

ADDRESS: 1200 Baker St., Houston, TX 77002

AGENT, (if applicable):

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type):

SERVICE BY (check one):

☐ ATTORNEY PICK-UP☐ CONSTABLE☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up:☐ MAIL☐ CERTIFIED MAIL☐ PUBLICATION:

Type of Publication:

☐ COURTHOUSE DOOR, or☐ NEWSPAPER OF YOUR CHOICE:☐ OTHER, explain

FILED
LOREN JACKSON
DISTRICT CLERK
HARRIS COUNTY
CLERK'S OFFICE

09 AUG -6 AM 10:27
8-6-09

RECEIVED
09 AUG -6 AM 10:27
8-6-09

2. NAME: Harris County, Texas by and through Ed Emmett County Judge of Harris County

ADDRESS: 1001 Preston, Ste 911, Houston, TX 77002

AGENT, (if applicable):

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type):

SERVICE BY (check one):

☐ ATTORNEY PICK-UP☐ CONSTABLE☒ CIVIL PROCESS SERVER - Authorized Person to Pick-up: Crista Reed Rosewell Phone: 713 227-3353☐ MAIL☐ CERTIFIED MAIL☐ PUBLICATION:

Type of Publication:

☐ COURTHOUSE DOOR, or☐ NEWSPAPER OF YOUR CHOICE:☐ OTHER, explain

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME:

TEXAS BAR NO./ID NO.

MAILING ADDRESS:

PHONE NUMBER:

area code

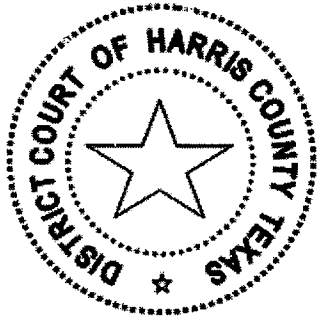
phone number

FAX NUMBER:

area code

fax number

EMAIL ADDRESS:



I, Loren Jackson, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date
Witness my official hand and seal of office
this August 25, 2009

Certified Document Number: 43000439 Total Pages: 1

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HARRIS COUNTY, TEXAS

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2009-50135
2009-50135

Cause No. _____		
<u>Amalia Casarza, individually, and as representative of the estate of Margarita Snavedra, Jose Snavedra, and Crystal Garcia</u>	§	IN THE DISTRICT COURT OF
Plaintiff	§	
<u>Harris County, Texas, and nurse Marlene Ortiz</u>	§	HARRIS COUNTY, TEXAS
Defendant	§	<u>113</u> JUDICIAL DISTRICT

CIVIL CASE INFORMATION SHEET

This form must be completed and filed with every original petition, and a copy attached to every original petition served. The information should be the best available at the time of filing, understanding that such information may change before trial. This information does not constitute a discovery request, response, or supplementation, and is not admissible at trial.

Service must be obtained promptly. Notice is hereby given that, per Harris County Local Rule 3.6, any case in which no answer has been filed or default judgment signed FOUR (4) MONTHS from filing will be eligible for DISMISSAL FOR WANT OF PROSECUTION.

Type of action: ☐ Commercial ☐ Personal Injury ☒ Death ☐ Other

Check all claims pled:

- | | | | |
|---|---|---|--|
| <input type="checkbox"/> Account due | <input type="checkbox"/> Defamation | <input type="checkbox"/> Fraud | <input type="checkbox"/> Products liability |
| <input type="checkbox"/> Admiralty | <input type="checkbox"/> Disbarment | <input type="checkbox"/> Garnishment | <input type="checkbox"/> Post judgment |
| <input type="checkbox"/> Assault | <input type="checkbox"/> Discrimination | <input type="checkbox"/> Injunction/TRO | <input type="checkbox"/> Railroad |
| <input type="checkbox"/> Asbestosis | <input type="checkbox"/> Dram shop | <input type="checkbox"/> Insurance bad faith | <input type="checkbox"/> Real estate |
| <input type="checkbox"/> Auto | <input type="checkbox"/> DTPA | <input type="checkbox"/> Malicious prosecution | <input type="checkbox"/> Securities fraud |
| <input type="checkbox"/> Bill of review | <input type="checkbox"/> Employment discharge | <input type="checkbox"/> Malpractice/Legal | <input type="checkbox"/> Sequestration |
| <input type="checkbox"/> Conspiracy | <input type="checkbox"/> Expunction | <input checked="" type="checkbox"/> Malpractice/Medical | <input type="checkbox"/> Silicone implant |
| <input type="checkbox"/> Contract | <input type="checkbox"/> False imprisonment | <input type="checkbox"/> Name change | <input type="checkbox"/> Tortious interference |
| <input type="checkbox"/> Deed restriction | <input type="checkbox"/> Foreclosure | <input type="checkbox"/> Note | <input type="checkbox"/> Trespass |
| <input type="checkbox"/> Declaratory judgment | <input type="checkbox"/> Forfeiture | <input type="checkbox"/> Premises liability | <input type="checkbox"/> Workers compensation |
| <input checked="" type="checkbox"/> Other <u>Civil Rights Violation</u> | | | |

Has this dispute previously been in the Harris County courts? ☒ No ☐ Yes, in the following court: _____

Monetary damages sought ☐ less than \$50,000 ☐ 50,001 - \$100,000 ☒ greater than \$100,000

Estimated time needed for discovery ☐ 0-3 months ☐ 4-6 months ☐ 7-12 months ☒ >1 year

Estimated time needed for trial: ☐ 1-2 days ☐ 3-5 days ☐ 6-10 days ☒ >10 days

Are you going to request Level 3 status? ☐ Yes ☐ No

If yes, please state your estimate for total hours of deposition per side: _____ and the number of interrogatories needed for each party to serve on any other party: _____

Name of party filing this cover sheet: _____

Signature of attorney or pro se filing cover sheet: _____

Name printed: Brent Slogner

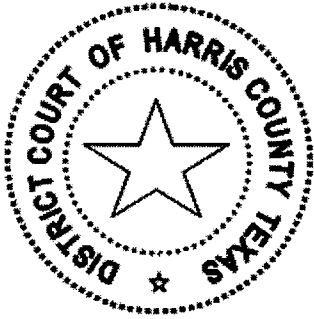
Phone No: 713 222 7211

Bar No: 24038389

FOR COURT USE ONLY:

Track assigned ☐ Track 1 ☐ Track 2 ☐ Track 3

Court Coordinator _____ Date: _____



I, Loren Jackson, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date
Witness my official hand and seal of office
this August 25, 2009

Certified Document Number: 43000441 Total Pages: 1

LOREN JACKSON, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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RECEIPT NUMBER 4761 0.00
TRACKING NUMBER 72437529 CIV

CAUSE NUMBER 200950135

PLAINTIFF: CASARZE, AMALIA (INDIVIDUALLY AND AS REPRESENTATIVE) In The 113th
vs. Judicial District Court of
DEFENDANT: HARRIS COUNTY TEXAS Harris County, Texas

CITATION CORPORATE

THE STATE OF TEXAS
County of Harris

TO: HARRIS COUNTY TEXAS BY AND THROUGH
ED EMMETT COUNTY JUDGE OF HARRIS COUNTY
1001 PRESTON SUITE 911 HOUSTON TX 77002

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION

This instrument was filed on the 6th day of August, 20 09, in the
above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED; you may employ an attorney. If you or your attorney do not file a written answer with the
District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were
served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This Citation was issued under my hand and seal of said Court, at Houston, Texas, this 6th day of
August, 20 09.

Issued at request of:
STOGNER, BRANT JEFFREY
800 COMMERCE ST
HOUSTON, TX 77002
Tel: (713) 222-7211
Bar Number: 24038389



LOREN JACKSON, District Clerk
Harris County, Texas
201 Caroline, Houston, Texas 77002
P.O. Box 4651, Houston, Texas 77210

Generated by: DENHAM, MONICA RUF/E9H/8475239

OFFICER/AUTHORIZED PERSON RETURN

I received this citation on the 9 day of August, 20 09, at 4 o'clock P.M., endorsed
the date of delivery thereon, and executed it at 1001 Preston, Ste 911, Houston,
(street address) (city)

in Harris County, Texas on the 10 day of August, 20 09, at 3:05 o'clock P.M.,
by delivering to Harris County Texas, by delivering to its
(the defendant corporation named in citation)

Resident Agent / Judge, in person, whose name is Ed Emmett, by having with Doug Belknap -
(registered agent, president, or vice-president) Both to accept

a true copy of this citation, with a copy of the Plaintiff's Original Petition attached,
(description of petition, e.g., "Plaintiff's Original")

and with accompanying copies of
(additional documents, if any, delivered with the petition)

I certify that the facts stated in this return are true by my signature below on the 11 day of August, 20 09.

FEE: \$

By:

(signature of officer)

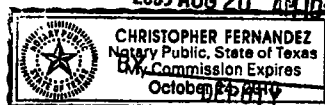
Printed Name:

As Deputy for:

(printed name & title of sheriff or constable)

On this day, Andrew Espinosa, known to me to be the person whose signature
appears on the foregoing return, personally appeared and after being by me duly sworn, he/she stated that this citation was
executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this 11 day of August, 20 09



N.INT.CIT.CP

CAUSE NO. 2009-50135

AMALIA CASARZE

PLAINTIFF

VS.

HARRIS COUNTY TEXAS

DEFENDANT

**IN THE DISTRICT COURT
HARRIS COUNTY, TEXAS
113th JUDICIAL DISTRICT**

AFFIDAVIT OF SERVICE

BEFORE ME, the undersigned authority, on this day appeared, **Andrew Espinosa**, personally appeared before me and stated under oath as follows:

1. My name is **Andrew Espinosa**. I am over the age of eighteen (18), I am not a party to this case, and have no interest in its outcome. I am in all ways competent to make this affidavit and this affidavit is based on personal knowledge. The facts stated herein are true and correct. My business address is P.O. Box 3796, Houston, Texas 77253-3796.
2. **ON 08/09/09 @ 4:00 PM -- CITATION CORPORATE AND PLAINTIFF'S ORIGINAL PETITION CAME TO HAND.**
3. **ON 08/10/09 @ 3:05 PM - THE ABOVE NAMED DOCUMENTS WERE DELIVERED TO: HARRIS COUNTY TEXAS BY AND THROUGH ED EMMETT, COUNTY JUDGE OF HARRIS COUNTY, BY LEAVING WITH DOUG ADKINSON AUTHORIZED TO ACCEPT AT 1001 PRESTON STREET, #911, HOUSTON, TX 77002, BY CORPORATE SERVICE.**

FURTHER AFFIANT SAYETH NOT.



**Andrew Espinosa
ID #454**

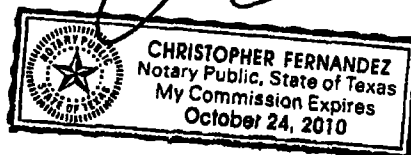
SVORN TO AND SUBSCRIBED before me by Andrew Espinosa appeared on this 14 day of August, 2009 to attest witness my hand and seal of office.

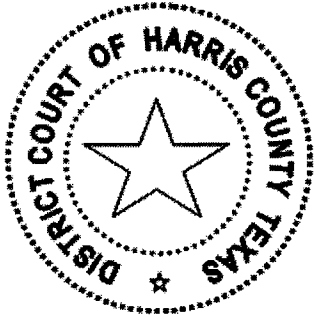
**FILED
LOREN JACKSON
DISTRICT CLERK
HARRIS COUNTY, TEXAS**

2009 AUG 20 AM 10:32

**BY _____
DEPUTY**


**NOTARY PUBLIC IN AND
FOR THE STATE OF TEXAS**





I, Loren Jackson, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date
Witness my official hand and seal of office
this August 25, 2009

Certified Document Number: 43121672 Total Pages: 2

LOREN JACKSON, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

CAUSE NO. 200950135

RECEIPT NO. 4761

0.00

CIV

08-06-2009

TR # 72437528

PLAINTIFF: CASARZE, AMALIA (INDIVIDUALLY AND AS REPRESENTATIV

vs.

DEFENDANT: HARRIS COUNTY TEXAS

In The 113th
Judicial District Court
of Harris County, Texas
113TH DISTRICT COURT
Houston, TX

CITATION

THE STATE OF TEXAS
County of Harris

Del

B/24/09

RECEIVED
AUG 27 2009

LEGAL COUNSEL

TO: ORTA, MARLENE NURSE

1200 BAKER STREET HOUSTON TX 77002

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

This instrument was filed on the 6th day of August, 2009, in the above cited cause number and court. The instrument attached describes the claim against you.

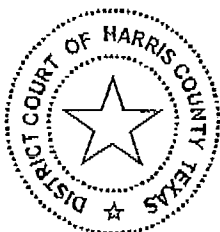
YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on 6th day of August, 2009, under my hand and seal of said Court.

Issued at request of:

STOGNER, BRANT JEFFREY
800 COMMERCE ST
HOUSTON, TX 77002
Tel: (713) 222-7211
Bar No.: 24038389



LOREN JACKSON, District Clerk
Harris County, Texas
201 Caroline Houston, Texas 77002
(P.O. Box 4651, Houston, Texas 77210)

GENERATED BY: DENHAM, MONICA RUF/E9H/8475239

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at _____ o'clock _____ .M., on the _____ day of _____,

Executed at (address) _____ in

_____ County at _____ o'clock _____ .M., on the _____ day of _____,

_____, by delivering to _____ defendant, in person, a true copy of this Citation together with the accompanying _____ copy(ies) of the Petition

attached thereto and I endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this _____ day of _____,

Fee: \$ _____

_____ of _____ County, Texas

Notes Color Key:	Private	Court	Public
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Case: 200950135 - 7 Type: DMO - DAMAGES (OTHER) Status: Active - Civil Court: 113 FileDt: 8/6/2009
 Style: CASARZE, AMALIA (INDIVIDUALLY AND AS REP vs HARRIS COUNTY TEXAS

Docket Sheet Entries

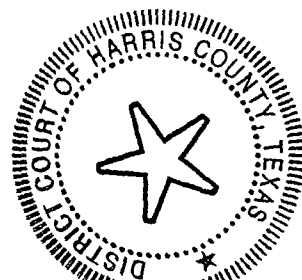
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Note Type Filter:

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		1		

Trial Settings

Active	Signed Date	Comments	Last Mod User	Hist
		No Items Found		
		1		



STATE OF TEXAS
COUNTY OF HARRIS

I, Loren Jackson, District Clerk of Harris County, Texas, certify that this is a true and correct copy of the original record filed and recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this

8-25-09
LOREN JACKSON, DISTRICT CLERK
HARRIS COUNTY, TEXAS

U. Amey

Deputy